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Town of Northport Special Town Meeting Minutes June 28, 2016

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OFFICIAL WARRANT FOR THE TOWN OF NORTHPORT
SPECIAL TOWN MEETING
To be held 7p.m. on June 28, 2016

Present: Selectboard Vice Chair Denise Lindahl; Board Member Mark Humphreys; Town Administrator Barbara Ashe, Town Clerk Jeanine Tucker; Deputy Town Clerk Robin Coombs; Finance Director Vicki Eugley; Attorney Lee Woodward, Jr.; Karen Fussell, Representative for the Municipal Review Committee (MRC); Henry Lang & Matt Albert, Representatives for the Penobscott Energy Recovery Company (PERC) and Northport Residents Dan Andrews; Bart & Katherine Calder; Charlie & Penny Carter; Richard Crampton; Reeves Gilmore; Karen Gleeson; Al Grimshaw; Ron & Shirley Jarvella; David Lindahl; Herman & Patsy Littlefield; Mark & Sheila Lynch; Dee Reid; Paul & Toupie Rooney; Paul Sheridan and Judy Simpson. (Board Chair Drexell White was excused)

To: Jeanine Tucker, Town Clerk of the Town of Northport in the County of Waldo, State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Northport in said County and State, qualified by law to vote in Town affairs to appear at the Blue Goose Event Center on Tuesday, June 28, 2016 at 7:00p.m. there and then to act upon Article 1 through 3 inclusive.

On Tuesday June 28, 2016 Tucker opened the Special Town Meeting at 7p.m. Tucker asked Resident and Veteran Herman Littlefield to lead the Pledge of Allegiance.

Article 1. To Choose a Moderator to preside at said Town Meeting.

Tucker asked for nomination of a Moderator. Motion was made by Paul Sheridan, second by Mark Lynch, to nominate Lee Woodward, Jr. as Moderator. All in favor- none opposed. Tucker collected three written ballots for the record. Woodward was sworn in as Moderator by Tucker.

Article 2. Shall the Town vote to reconsider the approval of Warrant Article 6 as adopted at the Annual Town Meeting held on June 6, 2016 at 7p.m.

Motion was made and second to reconsider Article 6. from the June 6, 2016 Annual Town Meeting, where residents voted in favor of signing a 15 year contract with the Municipal Review Committee (MRC) for processing of waste at the proposed Fiberight facility. Woodward called for discussion and comments.

One resident stated that, although they didn't have "a dog in the fight", they believed it was the Board's recommendation to sign with the MRC based on the Article being placed on the Town Meeting warrant. The resident concluded by stating the vote on Article 6 was in favor of signing the contract with the MRC and the Town should stick with that vote.

Another resident asked what the attendance comparison of Annual Town Meeting and this Special Town Meeting. The response was given that attendance was 47 at the June 6 meeting, with some leaving before the vote on Article 6, and 26 are present tonight.

A resident asked that by voting "no" on this Article the matter would be dropped and the previous affirmative decision would stand; Woodward confirmed that would be the case.

A comment was made that at the June 6 meeting someone had moved the question to vote before the Board was asked their opinion and that discussion was cut off before it was complete. Another resident commented that they had their hand up to speak when the question was moved and he was not allowed the opportunity to ask his question.

Woodward stated the intent of this Article is to determine whether or not the Town would like to reconsider the decision made on Article 6 of the June 6, 2016 meeting. Woodward was asked if a quorum, or particular percentage would be required or if five people could determine the fate of the Town; Woodward confirmed that no quorum or percentage needs to be met.

The Article was moved to vote. 19 in favor- 4 opposed.

Woodward moved on to Article 3.

Article 3. Shall the Town revoke and nullify the adoption of Warrant Article 6 as adopted at the Annual Town Meeting held on June 6, 2016 at 7p.m, thereby revoking the authority of the Town to enter into the Joinder Agreement with the Municipal Review Committee, Inc. for a multi-year contract to dispose of municipal solid waste? (See NOTE below).

Motion was made, and second, to reconsider Article 6 of the June 6, 2016 Annual Town Meeting. Woodward opened the Article up for discussion.

The representative for the MRC was asked how waste would be handled before the proposed facility is built; Karen Fussell replied that waste will be taken to the Crossroads facility in Norridgewock.

The Board was asked if they had spoken with Pine Tree Waste about options. Vice Chair Lindahl stated that the current contract with Pine Tree Waste expires in August and the Town can opt to extend that contract to April 1, 2018 at a 4% increase.

The Board was also asked if residents vote in favor of this Article would that grant authority to the Board to act on waste services; Lindahl stated that it would.

The Board was also asked if it were their intent to support the Article by placing it on the Warrant; the Board stated that it was not their intent to support the contract, but they had not made a formal opinion prior to Town Meeting. The same resident asked why the Board presented the Article on the Warrant; Lindahl stated that it was presented by the MRC to propose the Article to the residents. Fussell stated that the MRC presented the same question to all municipalities to present at their discretion. Lindahl stated that the Board felt as though the choice should be made by the residents due to an increase in the cost. A resident noted that the Fiberight option that the MRC is proposing is at least \$10 cheaper than the offer from PERC. Lindahl replied that the Town would still have to contract with a hauler to get the waste to a facility. Lindahl was then asked why the Board didn't decide to stay with Pine Tree; Lindahl explained that the Pine Tree contract will be expiring and Article 6 would have decided what process the Town would move forward with. Lindahl continued by stating that the contract has always been done through a bid process and until bids are received there is no way of knowing what a combined cost of transportation and waste disposal would be.

Humphreys stated that the Town has three options; one would be to contract with a hauler who has a contract with a licensed facility, which is the current practice; and the other two options involve contracting with one of the two facilities plus a hauler.

The Board was asked what the Town is currently paying for waste disposal. The Board had Finance Director Vicki Eugley answer. Eugley explained that the Town is not paying for disposal by tonnage, but by container. She continued by listing the breakdown of cost per 8 yard container at \$71.42 each, the cardboard container at \$44.20 each and the ZeroSort container at \$306.00 each. Eugley had calculated combined tonnage at approximately 334 tons annually.

Fussell was asked if the MRC is a for profit; she stated that the MRC is non-profit, but Fiberight is a for profit business. Fussell added that there will be a meeting next month to determine the size of the facility. She explained that after an initial analysis it was determined that a smaller facility is more cost effective. A resident asked Fussell what made Maine most

attractive for this new facility, she replied that the tipping fees are higher in New England and this facility is able to function on those fees.

Fussell told everyone that they were getting bogged down in details that the MRC has taken years to figure out and that they are being asked to stay with their initial decision of contracting with the MRC and Fiberight, which provides Northport advantages with many other municipalities; or opt to go it alone.

The question was moved, and second, to vote. Woodward reminded those present that if they voted in favor of Article 3 they were voting to revoke the contract previously approved at Annual Town Meeting and if they voted against Article 3 they were voting to uphold the decision to contract with the MRC.

19 voted in favor of the Article- 5 opposed. Article passed.

Woodward announced that Article 6 from the June 6, 2016 Town Meeting has been nullified.

Motion was made, and second, to adjourn at 7:43p.m. All in favor- none opposed.

Respectfully Submitted,

*Jeanine Tucker
Town Clerk*

NOTE: Warrant Article 6 as adopted at the Annual Town Meeting held on June 6, 2016 at 7p.m was printed in its entirety as follows:

“Article 6. To see if the Town of Northport will vote:

- (i) to authorize the Town to become a Joining Member of the Municipal Review Committee, Inc. (“MRC”), organized as a Maine nonprofit corporation and acting as a regional association pursuant to Title 13-B and Title 38 of the Maine Revised Statutes, as amended (and specifically Section 1304-B(5-A) of Title 38) for the purpose of managing and facilitating solid waste disposal,
- (ii) to adopt, ratify and confirm the Restated Articles of Incorporation and the Restated Bylaws of the MRC in substantially the form on file with the Town Clerk at the Town Office;
- (iii) to authorize the Town to execute and deliver a Municipal Joinder Agreement with the MRC in substantially the form on file with the Town Clerk at the Town Office (the “Municipal Joinder Agreement”) pursuant to which the Town will become a Joining Member of the MRC (as defined therein) and deliver its municipal solid waste for disposal to a waste management facility being developed by Fiberight, LLC and/or its affiliates (collectively, “Fiberight”) in Hampden, Maine, or other waste disposal facility;
- (iv) to authorize the MRC to take certain actions on behalf of the Town as set forth in the Municipal Joinder Agreement; and
- (v) to authorize a majority of the Selectmen or their duly authorized designee or designees as representative of the Town to execute and deliver the Municipal Joinder Agreement on behalf of the Town and to execute and deliver on behalf of the Town in conjunction therewith such other documents and to take such further actions as they may deem necessary or appropriate in order to effect the transactions contemplated by the Municipal Joinder Agreement. “